

Ordinance 16-08

STORMWATER FEE SCHEDULE FOR THE CITY OF WESTFIELD THIS ORDINANCE AMENDS AND REPEALS ORDINANCES 07-23

WHEREAS, The City of Westfield, ("City") is a duly formed municipal corporation within the State of Indiana, governed by its duly elected Mayor and Common Council ("Council"); and,

WHEREAS, it is in the best interest of the City and its residents to repeal the currently established Stormwater Fee Schedule Ordinance, 07-23, established for the purpose of implementing capital improvements, operation, maintenance activities, public education and outreach to comply with federal and state requirements, and

WHEREAS, it is in the best interest of the City and its residents to now create a Stormwater Management Division ("Division") within the Department of Public Works ("Department") for the purpose of providing for and managing the collection, treatment, drainage, and disposal of City storm and surface water, to establish a "Westfield Storm Water District" as a special taxing district, and to adopt and approve "Stormwater User Fees" for the district;

WHEREAS, the Department's controlling board, the City of Westfield's Board of Public Works and Safety ("Board"), pursuant to Indiana Code 8-1.5-5-7, shall adopt the Stormwater User Fee schedule for the District by and through its Resolution which actions by the Board are hereby ratified.

WHEREAS, the City transferred ownership and billing authority for the City's water and sewer utility, which also incorporated the City's stormwater fee billing, to another entity on January 2014, and;

WHEREAS, the Council has been advised that the most effective procedure would involve a quarterly billing system for the Stormwater fees necessary for the Stormwater Sewer Works.

NOW, THEREFORE, BE IT ORDAINED by the Westfield City Common Council meeting in session as follows:

- Section 1.** The foregoing Recitals are incorporated herein by this reference.
- Section 2.** The provisions of Indiana Code 8-1.5-5, as the same may be amended from time to time, are hereby adopted by the Council and are hereby effective and operative within the City.
- Section 3.** Pursuant to Indiana Code 8-1.5-5, the Division consisting of the Director of Public Works and designated staff, is hereby created for the purpose of providing for the collection, treatment, drainage, and disposal of storm surface water in the City.
- Section 4.** Pursuant to Indiana Code 8-1.5-5-4(g)(1) and established by prior ordinance, the Board controls the City's municipally owned utilities; and,

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Section 5. Pursuant to Indiana Code 8-1.5-5(g)(2) and 8-1.5-3-3(a), the Board is hereby directed to control the City's stormwater facilities and shall have all of the powers and responsibilities set forth in Indiana Code 8-1.5-3-4(a) and 8-1.5-5-6, and as otherwise provided by law or in equity.

Section 6. Pursuant to Indiana Code 8-1.5-5, there is hereby created a special taxing district, known as the "Westfield Stormwater District", which shall include all of the territory within the corporate boundaries of the City of Westfield, Indiana ("District").

Section 7. The Board has completed a Stormwater Utility Rate Study ("Study") to establish a Stormwater User Fee for each residential and non-residential property located in the District.

Section 8. The Board, with assistance of the Division, shall annually prepare and submit a budget to the Council for its approval, recommend to the Council reasonable and just rates and charges for services to utility patrons, and take such other actions as are required or permitted by law.

Section 9. The Council adopts and approves the Stormwater User Fees as recommended by the Division for the District, to wit:

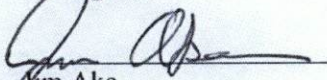
- a. The monthly Stormwater User Fees shall be uniform for all residential property units located in the District, and same shall be assigned one (1) Equivalent Residential Unit ("ERU"). With the exception of apartments which would pay multiple ERUs based on the amount of impervious area similar to non-residential properties.
- b. The monthly Stormwater User Fees for all non-residential properties, with the exception of tax-exempt municipal properties, located in the District shall be determined by using an ERU multiplier, which shall be the quotient obtained by dividing the total square feet of impervious surface area within a non-residential property by a divisor of 3,500 square feet, which quotient will then be multiplied by the ERU to obtain the Stormwater User Fee, except that the monthly Stormwater User Fee for a non-residential property located in the District shall not be less than one (1) ERU.
- c. The monthly Stormwater User Fees for all tax-exempt municipal properties located in the District shall be the product of the ERU multiplied by 0.50.
- c. The monthly Stormwater User Fees for all unimproved property located in the District shall be the product of the ERU multiplied by 0.33.
- d. The ERU shall be \$4.16.
- e. A 3-year graduated ERU shall be implemented for all non-residential properties in the District. The first year the ERU will be \$2.16, the second year \$3.16, and third year \$4.16.


- Section 10.** The Council shall revisit the rate structure used to determine the Stormwater User Fee every 5 years and may adjust it accordingly to meet the needs of the city stormwater program.
- Section 11.** If the monthly Stormwater User Fee is not paid by its due date, as stated on the Division's fee invoice, which may be combined with and made a part of the City's billings issued pursuant to City Ordinance 07-23. Section 5c, a late charge of ten percent (10%) will be assessed, together with the costs of collection, if any, including reasonable attorney's fees.
- Section 12.** The Department shall be responsible for calculating and assessing all monthly Stormwater User Fees and for establishing billing and collection procedures for the same, and for taking all other lawful actions, including, but not limited to, those set forth in City Ordinance 07-23, as are necessary or convenient in order to implement the City's stormwater management and user fee system.
- Section 13.** This Ordinance shall be in full force and effect from and upon its adoption in accordance to the law. All ordinances or parts thereof in conflict herewith are hereby repealed. The invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part of parts.

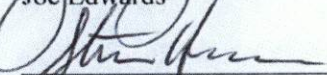
ALL OF WHICH IS ORDAINED THIS 11th DAY OF April, 2016.

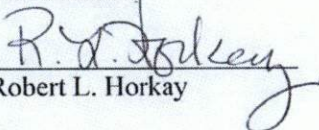
WESTFIELD CITY COUNCIL

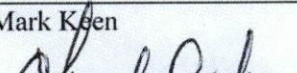
Voting For

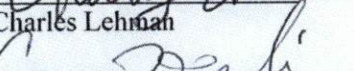

Jim Ake

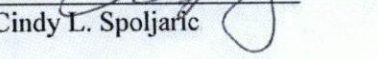

Joe Edwards


Steve Hoover


Robert L. Horkay


Mark Keen


Charles Lehman


Cindy L. Spoljaric

Voting Against

Jim Ake

Joe Edwards

Steve Hoover

Robert L. Horkay

Mark Keen

Charles Lehman

Cindy L. Spoljaric

Abstain

Jim Ake

Joe Edwards

Steve Hoover

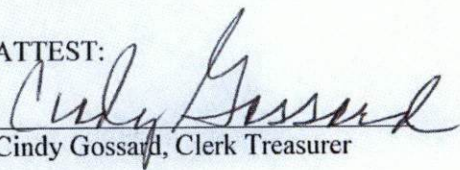
Robert L. Horkay

Mark Keen

Charles Lehman

Cindy L. Spoljaric

ATTEST:


Cindy Gossard, Clerk Treasurer

I affirm, under the penalties of perjury,
that I have taken reasonable care to redact
each Social Security Number in this
document, unless required by law"



Signed

Prepared by Brian Zaiger

I hereby certify that ORDINANCE 16-08 was delivered to the Mayor of Westfield on the

12th day of April, 2016, at 9:06 A m.

Cindy Gossard
Cindy Gossard, Clerk Treasurer

I hereby APPROVE ORDINANCE 16-08

This 12th day of April, 2016.

J. Andrew Cook
J. Andrew Cook, Mayor

I hereby VETO ORDINANCE 16-08

This _____ day of _____, 2016.

J. Andrew Cook, Mayor